

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALCOA, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-383-SLR
)	
ALCAN INC., a Canadian corporation, ALCAN)	
CORP., a Texas corporation, ALCAN CORP., a)	
Delaware corporation, PECHINEY, S.A., a)	
French corporation, ALCAN RHENALU, a)	
French corporation, ALCAN PECHINEY)	
CORP., a Texas corporation, PECHINEY)	
METALS, LLC, a Delaware limited liability)	
company, ALCAN ROLLED PRODUCTS –)	
RAVENSWOOD, LLC, a Delaware limited)	
liability company,)	
)	
Defendants.)	

**ALCAN CORP. (TEXAS), ALCAN CORP. (DELAWARE), ALCAN PECHINEY CORP.,
PECHINEY METALS, LLC AND ALCAN ROLLED PRODUCTS – RAVENSWOOD,
LLC’S MOTION TO BE DISMISSED FROM THE SUIT AS IMPROPERLY JOINED**

1. Pursuant to Federal Rule of Civil Procedure 21, Defendants Alcan Corp. (Texas), Alcan Corp. (Delaware), Alcan Pechiney Corp., Pechiney Metals, LLC and Alcan Rolled Products-Ravenswood, LLC respectfully move to be dismissed from this action as misjoined parties.

2. In its Complaint, Alcoa, Inc. (“Alcoa”) does not claim that any of the alleged wrongdoing was committed by any of the moving defendants. Specifically, Alcoa does not allege that the moving defendants had any involvement in the development, manufacture or marketing of the allegedly infringing 2056 aluminum alloy.

3. Because the Complaint does not allege that the moving defendants engaged in the alleged misconduct, and Alcoa would not be prejudiced by their removal from the case, the moving defendants should be dismissed under Rule 21 as improper parties.

4. The moving defendants submit contemporaneously herewith: Alcan Corp. (Texas), Alcan Corp. (Delaware), Alcan Pechiney Corp., Pechiney Metals, LLC and Alcan Rolled Products-Ravenswood, LLC's Memorandum in Support of Their Motion to Be Dismissed From the Suit as Improperly Joined.

WHEREFORE, there being no connection between the moving defendants and any of the alleged wrongdoing in the Complaint, the moving defendants respectfully request to be dismissed from the lawsuit as improperly joined parties.

ASHBY & GEDDES

/s/ Steven J. Balick

Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Tiffany Geyer Lydon (I.D. #3950)
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, DE 19899
sbalick@ashby-geddes.com
jday@ashby-geddes.com
tlydon@ashby-geddes.com

Counsel for Defendants

Of Counsel:

Steven R. Trybus
Donald R. Cassling
Shelley Smith
Patrick L. Patras
JENNER & BLOCK LLP
One IBM Plaza
Chicago, IL 60611

Dated: August 15, 2006

172170.1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALCOA, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-383-SLR
)	
ALCAN INC., a Canadian corporation, ALCAN)	
CORP., a Texas corporation, ALCAN CORP., a)	
Delaware corporation, PECHINEY, S.A., a)	
French corporation, ALCAN RHENALU, a)	
French corporation, ALCAN PECHINEY)	
CORP., a Texas corporation, PECHINEY)	
METALS, LLC, a Delaware limited liability)	
company, ALCAN ROLLED PRODUCTS –)	
RAVENSWOOD, LLC, a Delaware limited)	
liability company,)	
)	
Defendants.)	

ORDER

At Wilmington this _____ day of _____, 2006, having considered Alcan Corp. (Texas), Alcan Corp. (Delaware), Alcan Pechiney Corp., Pechiney Metals, LLC and Alcan Rolled Products-Ravenswood, LLC's Motion to Be Dismissed From the Suit as Improperly Joined,

IT IS HEREBY ORDERED that the Motion is GRANTED and Alcan Corp. (Texas), Alcan Corp. (Delaware), Alcan Pechiney Corp., Pechiney Metals, LLC and Alcan Rolled Products-Ravenswood, LLC are dismissed from the suit as improperly joined.

Chief Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2006, the attached **ALCAN CORP. (TEXAS), ALCAN CORP. (DELAWARE), ALCAN PECHINEY CORP., PECHINEY METALS, LLC AND ALCAN ROLLED PRODUCTS—RAVENSWOOD, LLC'S MOTION TO BE DISMISSED FROM THE SUIT AS IMPROPERLY JOINED** was served upon the below-named counsel of record at the address and in the manner indicated:

Frederick L. Cottrell, III, Esquire
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899

HAND DELIVERY

Evan R. Chesler, Esquire
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019

VIA ELECTRONIC MAIL

William G. Todd, Esquire
Greenberg Traurig, LLP
200 Park Avenue
New York, NY 10166

VIA ELECTRONIC MAIL

/s/ Steven J. Balick

Steven J. Balick